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Docket No. GB920010032US1 (7161-275U) **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 46320
Jeremy HUGHES, et al.	:	Confirmation Number: 5691
Application No.: 10/098,676	:	Group Art Unit: 2135
Filed: March 15, 2002	:	Examiner: Y. Shaw

For: A METHOD, SYSTEM AND COMPUTER PROGRAM FOR CONTROLLING ACCESS IN A DISTRIBUTED DATA PROCESSING SYSTEM

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed October 17, 2007, wherein Appellants appeal from the Examiner's rejection of claims 1-34.

I. REAL PARTY IN INTEREST

This application is assigned to IBM Corporation by assignment recorded on March 15, 2002, at Reel 012714, Frame 0949.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-34 are pending and two-times rejected in this Application. It is from the multiple rejections of claims 1-34 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Second and Final Office Action dated July 17, 2007 (hereinafter the Second Office Action).

V. SUMMARY OF CLAIMED SUBJECT MATTER

Referring to Figs. 3-6 and also to independent claims 1, a method of controlling access to information in a distributed data processing system is disclosed. The data processing system includes a server 304 for storing the information (page 14, lines 12-23 of Appellants' disclosure). The server 304 further comprises a logging tool for creating a log file (step 435; page 19, lines 19-21). The client computer 308 comprises an application program for controlling a software agent, and the software agent requests the information from the server 304 (step 430, page 19, lines 12-17). The method includes the following steps. In step 400, a software agent is identified (page 15, lines 18-20). In step 435, in response to the identifying, all requests from the identified software agent are stored in the log file (page 19, lines 19-21). In step 500, in response to the storing, the log file is analysed (page 20, lines 16-18). In steps 505-535, in response to the analysing, the behaviour of the identified software agent is monitored (page 23, lines 13-24). In step 610-640, in response to the monitoring, at least one of a plurality of pre-defined rules is invoked to control the behaviour of the identified software agent (page 26, line 13 through page 28, line 17).

Referring to Figs. 3-6 and also to independent claims 17 and 33-34, a distributed data process system and computer readable code is disclosed. The data processing system includes a server 304 for storing the information (page 14, lines 12-23). The server 304 further comprises a logging tool for creating a log file (step 435; page 19, lines 19-21). The client computer 308 comprises an application program for controlling a software agent, and the software agent requests the information from the server 304 (step 430, page 19, lines 12-17). The system and computer readable code includes the following means: means 400 for identifying a software agent (page 15, lines 18-20); means 435, responsive to the identifying means, for storing all requests from the identified software agent in the log file (page 19, lines 19-21); means 500, responsive to the storing means, for analysing the log file (page 20, lines 16-18); means 505-535, responsive to the analysing means, for monitoring behaviour of the identified software agent (page 23, lines 13-24), and means 610-640, responsive to the monitoring means, for invoking at least one of a plurality of pre-defined rules to control the behaviour of the identified software agent (page 26, line 13 through page 28, line 17).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-2, 16-18, and 32-34 were rejected under 35 U.S.C. § 103 for obviousness based upon Muret et al., U.S. Patent No. 6,792,458 (hereinafter Muret), in view of Obata et al., U.S. Publication No. 2005/0165778 (hereinafter Obata);

2. Claims 3-7, 14-15, 19-23, and 30-31 were rejected under 35 U.S.C. § 103 for obviousness based upon Muret in view of Obata and further in view of Pettersen, U.S. Patent No. 6,826,594;

3. Claims 8 and 24 were rejected under 35 U.S.C. § 103 for obviousness based upon Muret in view of Obata and Pettersen and further in view of Meyerzon et al., U.S. Patent No. 6,638,314 (hereinafter Meyerzon);

4. Claims 9-10 and 25-26 were rejected under 35 U.S.C. § 103 for obviousness based upon Muret in view of Obata, Pettersen, and Meyerzon and further in view of Proctor, U.S. Patent No. 6,530,024; and

5. Claims 11-13 and 27-29 were rejected under 35 U.S.C. § 103 for obviousness based upon Muret in view of Obata, Pettersen, and Proctor.

VII. ARGUMENT

THE REJECTION OF CLAIMS 1-2, 16-18, AND 32-34 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MURET IN VIEW OF OBATA

For convenience of the Honorable Board in addressing the rejections, claims 17 and 33-34 stand or fall together with independent claim 1, claim 18 stands or falls together with dependent claim 2, and claim 32 stands or falls together with dependent claim 16.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either explicitly or inherently, of each element of a claimed invention in a single reference.[1] As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference.[2] This burden has not been met.

Claim 1

On pages 14-16 of the First Amendment dated April 24, 2007, Appellants presented the following arguments. On page 5 of the First Office Action, the Examiner asserted "Muret et al, do not expressly disclose the remaining limitation of the claim." The particular portion of claim 1 to which the Examiner refers is the following:

> in response to said monitoring step, invoking at least one of a plurality of pre-defined rules to control said behaviour of said identified software agent.

[1] In re Rijckaert, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).
[2] Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co., supra.

To teach this limitation the Examiner relied upon lines 1-6 of paragraph [0007] of Obata, which for ease of reference, is reproduced below:

> A Web crawler is a computer programs that automatically discovers and collects documents from one or more Web sites while conducting a Web crawl. The Web crawl begins by providing the Web crawler with a set of document addresses that act as seeds for the crawl and a set of crawl restriction rules that define the scope of the crawl.

Appellants respectfully submit that the Examiner's cited passage within Obata fails to teach or suggest all of the limitations for which Obata is being relied upon to teach. The limitation at issue clearly recites that the invoking of the rules is "in response to said monitoring step." To teach the monitoring, the Examiner relied upon column 2, lines 16-22 and column 22, lines 28-31 of Muret. Column 2 of Muret generally describes a system for analyzing and monitoring internet traffic, and column 22 of Muret describes that administrators can "assess which visitors 2010 are responsible for the corresponding web service traffic" and "[h]ostile attacks from robots and web spiders can also be monitored in real-time." Thus, Muret teaches that the performance of the monitoring is done separately from the user (see also Fig. 1 of Muret, which shows the system 100 monitoring the web server 520, and the system 100 is completely separate from the user 530).

On the contrary, the invocation of the plurality of defined rules, as taught by Obata, occurs on the client side (i.e., the user). Thus, Obata and Muret deal with entirely different features. Whereas Muret's teachings are directed to monitoring a web server, the teachings of Obata are directed to a web crawler that is controlled on the client computer. Thus, one having ordinary skill in the art would not have been motivated to modify Muret in view of Obata since the teachings of these respective references are non-analogous to one another.

Whether a prior art reference is from a nonanalogous art involves (a) determining whether the reference is within the same field of endeavor and (b) determining whether the reference is reasonably pertinent to the particular problem with which the invention is involved.[3] If the prior art is outside the inventor's field of endeavor, the inventor will only be presumed to have knowledge of prior art that is reasonably pertinent to the problem being addressed.[4] The Examiner is also charged to consider "'the reality of the circumstances' ... in other words, common sense" to determine what field a person of ordinary skill in the art would reasonably be expected to look.[5]

As noted above, Muret (and the claimed invention) and Obata are not within the same field of endeavor. Whereas Obata is directed to web crawling, Muret (and the claimed invention) is directed to the monitoring and analyzing of web traffic. Moreover, Obata is not reasonably pertinent to the particular problem with which the claimed invention is involved. As discussed on page 8 of Appellants' disclosure, one of the problems to be solved by the claimed invention is to find a method of automatically detecting and managing malicious robots. Despite both teachings involving "robots," the teachings of how the creator of a robot controls the robot (i.e., Obata) are not analogous to the teachings of how a web server detects a robot and manages the access the robot has to the web server (i.e., Muret and the claimed invention).

The Examiner's response to these arguments is found in the paragraph spanning pages 20 and 21 of the Second Office Action. Initially, the Examiner asserted the following:

[3] In re Clay, 23 USPQ2d 1058 (Fed Cir. 1992).
[4] In re Wood, 202 USPQ 171 (C.C.P.A. 1979).
[5] In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

> In response to Applicant's argument that Muret and Obata is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Muret teaches monitoring and analyzing internet traffic so as to handle the busiest websites on the Internet. Obata, on the other hand, teaches the method of retrieving information, particularly the document information, from the network sites.

In response, Appellants note that these assertions do not address Appellants' prior arguments but merely restate what Appellants wrote on pages 15 and 16 of the First Amendment.

In response to Appellants' arguments as to claim 1, the Examiner additionally asserted the following:

> The combination of the two prior art would have been obvious to one of ordinary skill in the art at the time of invention was made since one would have been motivated to optimize a Web crawler's use of computer resources when performing adaptive incremental Web crawls to maintain the synchronization (lines 4-7 of [0010] from Obata et al.) especially in the internet/network environment.

Like the Examiner's prior assertion, this above-reproduced assertion does little to address Appellants' arguments. Instead, this above-reproduced assertions is nearly identical to the Examiner's obviousness statement found on page 5 of the First Office Action.

The Examiner's final response to Appellants' arguments as to claim 1 is the following statement:

> That is, the retrieval of data information from website on the internet/network may be processed in a fast manner by having the crawler involved. Therefore, the two cited prior art, contrary to Applicant's argument, is not nonanalogous and is within the same field of endeavor.

Apparently, the Examiner believes that the "field of endeavor" is data retrieval from the internet/networks and since both Muret and Obata are involved in some type of data retrieval then these two references are within the field of endeavor. In response, Appellants note that unless a computer is a standalone computer, then nearly all computer related systems involve some type of data retrieval from an internet/network (i.e., either generating data for retrieval,

retrieving data, or both). Thus, the Examiner's rationale could be the basis of an argument that since all non-standalone computers are involved in data retrieval, then all prior art related to non-standalone computers are within the same field of endeavor. Such an argument, however, would be absurd, yet the Examiner's analysis clearly supports such an argument.

Although Appellants referred the Examiner to M.P.E.P. § 2141.01, entitled "Analogous and Nonanalogous Prior Art" on page 16 of the First Amendment, the Examiner's analysis still runs afoul of the case law discussed therein. For example, the following discussion is found in M.P.E.P. § 2141.01(V):

> See, for example, *Wang Laboratories, Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993) (Patent claims were directed to single in-line memory modules (SIMMs) for installation on a printed circuit motherboard for use in personal computers. Reference to a SIMM for an industrial controller was not necessarily in the same field of endeavor as the claimed subject matter merely because it related to memories. Reference was found to be in a different field of endeavor because it involved memory circuits in which modules of varying sizes may be added or replaced, whereas the claimed invention involved compact modular memories. Furthermore, since memory modules of the claims at issue were intended for personal computers and used dynamic random-access-memories, whereas reference SIMM was developed for use in large industrial machine controllers and only taught the use of static random- access-memories or read-only-memories, the finding that the reference was nonanalogous was supported by substantial evidence.)

The Examiner's assertion that the field of endeavor is "data retrieval" is comparable to that of "memories" discussed in Wang Laboratories. In both instances, the asserted "field of endeavor" encompasses an overly broad swath of subject matter.

Appellants also note that the Examiner's statement that "the retrieval of data information from website on the internet/network may be processed in a fast manner by having the crawler involved" is not even a statement that they are within the same field of endeavor. Instead, this is a statement that the use of a web crawler can be complementary to retrieving data, yet as previously argued, controlling a web crawler in a web server is not even remotely comparable to

manages the access the web crawler has to the web server. In the first instance, the web crawler is being controlled and in the second instance, the server is being controlled.

Moreover, Appellants' argument was not simply based upon the conclusion that the Obata is non-analogous prior art. Instead, Appellants also argued that the features being relied upon by the Examiner to teach the claimed limitations were unrelated to one another (i.e., Obata is directed to controlling a web crawler on a client computer and Murata is directed to monitoring a web server). As such, one having ordinary skill in the art would not have enjoyed a reasonable expectation of success in modify one with the other.

Therefore, for the reasons originally presented in the First Amendment and for the reasons stated above, Appellants maintain that one having ordinary skill in the art would not have been impelled to modify Muret in view of Obata so as to arrive at the claimed invention recited in claim 1.

Claim 2

On page 16 of the First Amendment, Appellants presented the following arguments with regard to the Examiner's rejection of claim 2. On page 6 of the First Office Action, the Examiner relied upon column 20, lines 45-53 and column 20, line 67 through column 21, line 1 of Muret to teach the claimed plurality of web pages comprising a non-visible link. Upon reviewing these passages, Appellants are entirely unclear as to where Muret specifically teaches or suggests that the web pages comprising a non-visible link.

The Examiner's response to these arguments is found in the paragraph spanning pages 21 and 22 of the Second Office Action and is reproduced below:

> In regards to Applicant's argument that Muret does not teach or suggest that web pages comprising a non-visible link for Claim 2, and modification by combining Obata and Muret is nonsensical for Claim 16, Examiner respectively disagrees. First of all, it is not clear as what the Applicant mean as "the non-visible link" claimed in Claim 2. In this instance, the cited disclosure described the interactive report made of HTML and javascript code for loading the application and icons. Therefore, the icons on the report, in the form of javascript and html code, represent a non-visible link (see lines 45-53 and 65-67, Col. 20 and line 1, Col. 21 from Muret et at.). (emphasis added)

Initially, Appellants will address the above-underlined comment. In response, it is not clear to Appellants whether or not the Examiner has read Appellants' disclosure. In particular, reference is made to the paragraph spanning pages 15 and 16 of Appellants' disclosure and reproduced below:

> Preferably, all web pages on a web site supporting this technique have a prior art non-visible hypertext link inserted (step 405) into their main bodies. This is called a "hidden link". A hidden link is a URL that cannot be seen on the web page by a user, that is, there is no hypertext visible. However, a valid hypertext ("HREF") reference is present so that a search engine, for example, can find it.

Thus, as evident from this above-reproduced passage from Appellants' disclosure, the term "non-visible link" has been clearly defined. As initially argued in the First Amendment, Appellants have reviewed the Examiner's cited passages of column 20, lines 45-53 and column 20, line 67 through column 21, line 1 and have found no disclosure of a "non-visible link" correspond to that claimed. Thus, Appellants maintain that Muret fails to teach the limitations for which the Examiner is relying upon Muret to teach.

Claim 16

On page 17 of the First Amendment, Appellants presented the following arguments with regard to the Examiner's rejection of claim 16. Dependent claim 16 recites "wherein said at least one of a plurality of pre-defined rules controls a plurality of thread priorities associated with said server, wherein at least one of a plurality of threads is associated with a software agent." In the paragraph spanning pages 6 and 7 of the First Office Action, the Examiner relied upon both the teachings of Muret and Obata. Appellants, however, are unclear how the teaching of the control of a web crawler (as described by Obata) would lead one having ordinary skill in the art to modify Muret so that the rules that control the web crawler also controls a plurality of thread priority associated with the server. Such a proposed modification appears to be nonsensical since the Examiner is suggesting that the web crawler would be allowed to control a portion of the server.

The Examiner's response to these arguments is found in the paragraph spanning pages 21 and 22 of the Second Office Action and is reproduced below:

> As for Claim 16, Examiner would like to state that Obata and Muret is not nonanalogous (see above argument (1)). Therefore, it is not nonsensical to combine Muret and Obata.

In response, Appellants note that the Examiner is responding to a different argument than that presented by Appellants. This argument by Appellants is not relying upon Muret and Obata being non-analogous. Instead, Appellants argument is that the result (i.e., web crawler would be allowed to control a portion of the server) of the proposed modification would be nonsensical.

To further clarify Appellants' point, what the Examiner is asserting is that it would have been obvious to one skilled in the art to allow the operations of a server to be taken over by a

web crawler. As noted on pages 4-6 of Appellants' disclosure, although possibly having legitimate reasons to being on a server, robots can also have illegitimate reasons to being on the server. For this reasons, there is a desire to control the access of robots to the servers. The Examiner's proposed combination, however, instead of controlling the access of robots to the servers, would give the control of the servers to the robot, which is the exact opposite of what is desired. Thus, the Examiner's proposed combination is nonsensical and would not have impelled one having ordinary skill in the art to combine the applied prior art in the manner suggested by the Examiner.

THE REJECTION OF CLAIMS 3-7, 14-15, 19-23, AND 30-31 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MURET IN VIEW OF OBATA AND PETTERSEN

For convenience of the Honorable Board in addressing the rejections, and claims 4-7, 14-15, 19-23, and 30-31 stand or fall together with dependent claim 3.

On page 8 of the First Office Action, the Examiner asserted the following with regard to the rationale to modify the combination of Muret and Obata in view of Pettersen:

> Muret et at., Obata et al., and Pettersen are analogous art because they are from similar technology relating to the web information technology and information crawling. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Muret et al. and Obata et al. with Pettersen since one would have been motivated to insert dynamic or variable type content from a web server into a designated portion of a web page over a distributed electronic network, such as the Internet (lines 3-6, Col. 4 from Pettersen et al). Therefore, it would have been obvious to combine Muret et al. and Obata et al. with Pettersen to obtain the invention as specified in Claim 3.

Completely absent from the Examiner's analysis is a realistic benefit that would have impelled one having ordinary skill in the art to make the proposed modification. The Examiner is employing circular logic (e.g., it would have been obvious to combine Muret, Obata, and

Pettersen include the limitations of Muret, Obata, and Petersen). Thus, the Examiner has failed to establish a prima facie case of obviousness.

The Examiner's response to these arguments is found in the paragraph spanning pages 22 and 23 of the Second Office Action. Initially, the Examiner asserted the following:

> In response to applicant's argument that there is no suggestion to combine the references to establish prima facie case of obvious which would have motivated one having ordinary skill in the art to do so, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

As readily apparent, the above-reproduced passage is a restatement of certain well-known cases law regarding obviousness. However, these statements do not directly address Appellants' arguments.

The Examiner further asserted the following:

> In this case, Muret teaches monitoring and analyzing internet traffic so as to handle the busiest websites on the Internet, Obata teaches the method of retrieving information on a computer network, particularly the document information, Pettersen teaches the web page content code and access to the constructed dynamic web page, Meyerzon teaches retrieving information pertaining to electronic document on a computer network, and Proctor teaches managing of security incidents in the network computing environment.

This above-reproduced statement is merely a reassertion by the Examiner as to the general fields associated with the each of the applied prior art and do not directly address Appellants' arguments.

The Examiner's final assertion in response to Appellants' arguments is the following statement:

> Anyone having ordinary skill in the art at the time of the invention would be able to make various combinations of the above references since they are related to the network/internet management,

> processing, and data retrieval. Therefore, prima facie case of obvious has been established based on the motivation provided in the above rejections.

As readily apparent from the Examiner's own words, the Examiner's prima facie case is simply that since these references are analogous, then it would have been obvious to one having ordinary skill in the art to combine these references. The realistic rationale to combine applied prior art, however, requires more than just establishing that the applied prior art is analogous. Otherwise, if the Examiner's analysis was sufficient to establish obviousness, then nearly all claims pending at the Patent Office at this time could be rejected on this basis. Appellants, therefore, respectfully maintain that the Examiner has failed to establish a proper prima facie case of obviousness.

THE REJECTION OF CLAIMS 8 AND 24 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MURET IN VIEW OF OBATA AND PETTERSEN AND FURTHER IN VIEW OF MEYERZON

For convenience of the Honorable Board in addressing the rejections, and claims 8 and 24 stand or fall together with independent claim 1.

Claims 8 and 24 respectively depend from independent claims 7 and 23, and Appellants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 7 and 23 under 35 U.S.C. § 103 for obviousness based upon Muret in view of Obata and Petersen. Specifically, the Examiner has failed to establish a prima facie case of obvious which would have motivated one having ordinary skill in the art to modify Muret in view of Obata and Petersen to arrive at the invention recited in claims 7 and 23. The additional reference to Meyerzon does not cure the argued deficiencies of the prior rejection. Accordingly, even if one having ordinary skill in the art were motivated to modify Muret in view of Obata, Pettersen, and Meyerzon, the proposed

combination of references would not yield the claimed invention. Appellants, therefore, respectfully submit that the imposed rejection of claims 8 and 24 under 35 U.S.C. § 103 for obviousness based upon Muret in view of Obata, Pettersen, and Meyerzon is not viable.

THE REJECTION OF CLAIMS 9-10 AND 25-26 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MURET IN VIEW OF OBATA, PETTERSEN, AND MEYERZON AND FURTHER IN VIEW OF PROCTOR

For convenience of the Honorable Board in addressing the rejections, and claims 9-10 and 25-26 stand or fall together with independent claim 1.

Claims 9-10 and 25-26 respectively depend from independent claims 8 and 24, and Appellants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 8 and 24 under 35 U.S.C. § 103 for obviousness based upon Muret in view of Obata, Petersen, and Meyerzon. Specifically, the Examiner has failed to establish a prima facie case of obvious which would have motivated one having ordinary skill in the art to modify Muret in view of Obata, Petersen, and Meyerzon to arrive at the invention recited in claims 8 and 24. The additional reference to Proctor does not cure the argued deficiencies of the prior rejection. Accordingly, even if one having ordinary skill in the art were motivated to modify Muret in view of Obata, Pettersen, Meyerzon and Proctor, the proposed combination of references would not yield the claimed invention. Appellants, therefore, respectfully submit that the imposed rejection of claims 9-10 and 25-26 under 35 U.S.C. § 103 for obviousness based upon Muret in view of Obata, Pettersen, Meyerzon, and Proctor is not viable.

THE REJECTION OF CLAIMS 11-13 AND 27-29 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MURET IN VIEW OF OBATA AND PETTERSEN AND FURTHER IN VIEW OF PROCTOR

For convenience of the Honorable Board in addressing the rejections, and claims 11-13 and 27-29 stand or fall together with independent claim 1.

Claims 11-13 and 27-29 respectively depend from independent claims 7 and 23, and Appellants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 7 and 23 under 35 U.S.C. § 103 for obviousness based upon Muret in view of Obata and Petersen. Specifically, the Examiner has failed to establish a prima facie case of obvious which would have motivated one having ordinary skill in the art to modify Muret in view of Obata and Petersen to arrive at the invention recited in claims 7 and 23. The additional reference to Proctor does not cure the argued deficiencies of the prior rejection. Accordingly, even if one having ordinary skill in the art were motivated to modify Muret in view of Obata, Pettersen, and Proctor, the proposed combination of references would not yield the claimed invention. Appellants, therefore, respectfully submit that the imposed rejection of claims 11-13 and 27-29 under 35 U.S.C. § 103 for obviousness based upon Muret in view of Obata, Pettersen, and Proctor is not viable.

Conclusion

Based upon the foregoing, Appellants respectfully submit that the Examiner's rejections under 35 U.S.C. § 103 based upon the applied prior art is not viable. Appellants, therefore, respectfully solicit the Honorable Board to reverse the Examiner's rejection under 35 U.S.C. § 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: October 17, 2007

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. A method of controlling access to information in a distributed data processing system having:

a server for storing said information, wherein said server further comprises a logging tool for creating a log file, and a client computer comprising an application program for controlling a software agent, wherein said software agent requests said information from said server, said method comprising the steps of:

identifying a software agent;

in response to said identifying step, storing all requests from said identified software agent in said log file;

in response to said storing step, analysing said log file;

in response to said analysing step, monitoring behaviour of said identified software agent, and in response to said monitoring step, invoking at least one of a plurality of pre-defined rules to control said behaviour of said identified software agent.

2. The method according to claim 1, wherein said information is represented within any number of a plurality of web pages, each of said any number of a plurality of web pages comprising a non-visible link.

3. The method according to claim 2, wherein a software agent requests one of a plurality of web pages, said identifying step further comprises the steps of:

dynamically generating a first unique identifier;

dynamically inserting said first unique identifier into a non-visible link associated with said one of a plurality of web pages, and determining whether said one of a plurality of web pages is associated with further of a plurality of web pages.

4. The method according to claim 3, wherein:

upon said determining step being successful, said first identifier is dynamically inserted into further non-visible links.

5. The method according to claim 3, wherein upon said determining step not being successful, said identifying step further comprises the steps of:

sending said one of a plurality of web pages to said identified software agent;

in response to said sending step, requesting, from said server by said identified software agent, any number of a plurality of links associated with said one of a plurality of web pages;

in response to said requesting step, extracting, by said identified software agent, said any number of a plurality of links;

in response to said extracting step, passing, by said identified software agent, said any number of a plurality of links to said client application program, and in response to said passing step, determining, by said client application program, which of said any number of a plurality of links to display.

6. The method according to claim 5, wherein said any number of a plurality of links is displayed within a web browsing session running on said client computer.

7. The method according to claim 1, wherein said analysing step further comprises the step of:

identifying a first value associated with said any number of a plurality of web pages and a second value associated with said further of a plurality of web pages.

8. The method according to claim 7, wherein said monitoring step further comprises the steps of:

utilising said first and second values to generate a third value, wherein said third value is associated with said identified software agent, and utilising said third value and a fourth value associated with said all requests, to associate said first identifier and said identified software agent with a fifth value, wherein said fifth value is associated with a probability.

9. The method according to claim 8, wherein upon said third value being not more than or equal to a first pre-determined threshold, said log file is analysed further.

10. The method according to claim 8, wherein upon said fourth value being not more than or equal to a second pre-determined threshold, said log file is analysed further.

11. The method according to claim 7, wherein said identified software agent is associated with a profile, said profile comprising any number of a plurality of data fields unique to said identified software agent, wherein said invoking step further comprises the steps of:

associating said any number of a plurality of data fields with said at least one of a plurality of pre-defined rules;

determining whether a pre-defined response needs to be activated, and in response to a successful determining step, activating said pre-defined response.

12. The method according to claim 11, wherein said log file further stores an address associated with a software agent and a name associated with said software agent.

13. The method according to claim 12, wherein at least one of said any number of a plurality of data fields is extracted from said log file.

14. The method according to claim 2, wherein a second unique identifier is generated and further inserted into a non-visible link.

15. The method according to claim 1, wherein said distributed data processing system further comprises an application server.

16. The method according to claim 1, wherein said at least one of a plurality of pre-defined rules controls a plurality of thread priorities associated with said server, wherein at least one of a plurality of threads is associated with a software agent.

17. A system for controlling access to information, for use in a distributed data processing system, said distributed data processing system comprising:

a server for storing said information, wherein said server further comprises a logging tool for creating a log file, and a client computer comprising an application program for controlling a

software agent, wherein said software agent requests said information from said server, said system for controlling access comprising:

means for identifying a software agent;

means, responsive to said identifying means, for storing all requests from said identified software agent in said log file;

means, responsive to said storing means, for analysing said log file;

means, responsive to said analysing means, for monitoring behaviour of said identified software agent, and means, responsive to said monitoring means, for invoking at least one of a plurality of pre-defined rules to control said behaviour of said identified software agent.

18. The system according to claim 17, wherein said information is represented within any number of a plurality of web pages, each of said any number of a plurality of web pages comprising a non-visible link.

19. The system according to claim 18, wherein a software agent requests one of a plurality of web pages, said means for identifying further comprising:

means for dynamically generating a first unique identifier;

means for dynamically inserting said first unique identifier into a non-visible link associated with said one of a plurality of web pages, and means for determining whether said one of a plurality of web pages is associated with further of a plurality of web pages.

20. The system according to claim 19, wherein:

upon said determining step being successful, said first identifier is dynamically inserted into further non-visible links.

21. The system according to claim 19, wherein upon said determining step not being successful, said means for identifying further comprises:

means for sending said one of a plurality of web pages to said identified software agent;

means, responsive to said means for sending, for requesting from said server by said identified software agent, any number of a plurality of links associated with said one of a plurality of web pages;

means, responsive to said means for requesting, for extracting by said identified software agent, said any number of a plurality of links;

means, responsive to said means for extracting, for passing by said identified software agent, said any number of a plurality of links to said client application program, and means, responsive to said means for passing, for determining by said client application program, which of said any number of a plurality of links to display.

22. The system according to claim 21, wherein said any number of a plurality of links is displayed within a web browsing session running on said client computer.

23. The system according to claim 17, wherein said means for analysing further comprises:

means for identifying a first value associated with said any number of a plurality of web pages and a second value associated with said further of a plurality of web pages.

24. The system according to claim 23, wherein said means for monitoring further comprises:

means for utilising said first and second values to generate a third value, wherein said third value is associated with said identified software agent, and means for utilising said third value and a fourth value associated with said all requests, to associate said first identifier and said identified software agent with a fifth value, wherein said fifth value is associated with a probability.

25. The system according to claim 24, wherein upon said third value being not more than or equal to a first pre-determined threshold, said log file is analysed further.

26. The system according to claim 24, wherein upon said fourth value being not more than or equal to a second pre-determined threshold, said log file is analysed further.

27. The system according to claim 23, wherein said identified software agent is associated with a profile, said profile comprising any number of a plurality of data fields unique to said identified software agent, wherein said means for invoking further comprises:

means for associating said any number of a plurality of data fields with said at least one of a plurality of pre-defined rules;

means for determining whether a pre-defined response needs to be activated, and means, responsive to successful determining means, for activating said pre-defined response.

28. The system according to claim 27, wherein said log file further stores an address associated with a software agent and a name associated with said software agent.

29. The system according to claim 28, wherein at least one of said any number of a plurality of data fields is extracted from said log file.

30. The system according to claim 18, wherein a second unique identifier is generated and further inserted into a non-visible link.

31. The system according to claim 17, wherein said distributed data processing system further comprises an application server.

32. The system according to claim 17, wherein said at least one of a plurality of pre-defined rules controls a plurality of thread priorities associated with said server, wherein at least one of a plurality of threads is associated with a software agent.

33. A distributed data processing system comprising:

a server for storing said information, wherein said server further comprises a logging tool for creating a log file, and a client computer comprising an application program for controlling a software agent, wherein said software agent requests said information from said server, and a system for controlling access to information, comprising:

means for identifying a software agent;

means, responsive to said identifying means, for storing all requests from said identified software agent in said log file;

means, responsive to said storing means, for analysing said log file;

means, responsive to said analysing means, for monitoring behaviour of said identified software agent, and means, responsive to said monitoring means, for invoking at least one of a plurality of pre-defined rules to control said behaviour of said identified software agent.

34. Computer readable code stored on a computer readable storage medium for controlling access to information, for use in a distributed data processing system comprising:

a server for storing said information, wherein said server further comprises a logging tool for creating a log file, and a client computer comprising an application program for controlling a software agent, wherein said software agent requests said information from said server, said computer readable code comprising:

means for identifying a software agent;

means, responsive to said identifying means, for storing all requests from said identified software agent in said log file;

means, responsive to said storing means, for analysing said log file;

means, responsive to said analysing means, for monitoring behaviour of said identified software agent, and means, responsive to said monitoring means, for invoking at least one of a plurality of pre-defined rules to control said behaviour of said identified software agent.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellants in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellants are unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.